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8 Attorneys for SPENCER ROCK PRODUCTS, INC. and  
9 ROBERT A. LAPORE

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ALASKA**

12 UNITED STATES OF AMERICA for the )  
13 use of NORTH STAR TERMINAL & )  
14 STEVEDORE COMPANY, d/b/a Northern )  
15 Stevedoring & Handling, and NORTH )  
STAR TERMINAL & STEVEDORE )  
COMPANY, d/b/a Northern Stevedoring & )  
Handling, on its own behalf, )

16 Plaintiffs, )

17 and )

18 UNITED STATES OF AMERICA for the )  
19 use of SHORESIDE PETROLEUM, INC., )  
d/b/a Marathon Fuel Services, and )  
20 SHORESIDE PETROLEUM, INC., d/b/a )  
Marathon Fuel Services, on its own behalf, )

21 Intervening Plaintiffs )

22 and )

23 METCO, INC. )

24 Intervening Plaintiff, )

25 vs. )

26 NUGGET CONSTRUCTION, INC.; )  
27 SPENCER ROCK PRODUCTS, INC.; )  
UNITED STATES FIDELITY AND )  
28 GUARANTY COMPANY; and ROBERT )  
A. LAPORE, )

Defendants. )

**CASE NO.: A98-009 CIV (HRH)**

**RESPONSE OF SPENCER ROCK  
PRODUCTS AND ROBERT LAPORE  
TO THE MOTION OF SHORESIDE  
PETROLEUM, INC., AND METCO,  
INC. FOR A MANDATORY  
SETTLEMENT CONFERENCE**

1 Defendants Spencer Rock Products, Inc., and Robert Lapore conditionally join in the motion  
2 of Shoreside and Metco for a mandatory settlement conference before Judge Holland. The  
3 conditions that these parties request that the Court consider are that they and their counsel be allowed  
4 to appear by telephone, and that the conference be set on a date that does not conflict with the Notice  
5 of Availability recently filed by their counsel. While defendants believe that such a settlement  
6 conference is a good idea, the fact that Spencer Rock is a defunct corporation with no assets, and  
7 Robert Lapore with limited assets, means that the cost of personal appearance by defendants and  
8 their counsel would be an extreme financial burden on Mr. Lapore. Defendants believe that Mr.  
9 Lapore's involvement in the settlement discussions and negotiations would be constructive, but  
10 could be adequately conducted by telephone.

11 Respectfully submitted this 30th day of June, 2006.

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18 CERTIFICATE OF SERVICE

19 I hereby certify that on June 19, 2006, a copy of the foregoing  
20 Notice of Availability of Counsel was served electronically on  
21 Traeger Machetanz, Steven J. Shamburek, Paul Stockler,  
Herbert A. Viergutz, Michael W. Sewright and Thomas Krider

22 s/ C. Patrick Stoll  
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